

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed April 26, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Allowable Subject Matter**

Applicants appreciate the Examiner's indication that claims 22-24, 26-27, and 43 have been allowed. In that it is believed that every rejection has been overcome, it is respectfully submitted that each of the claims that remains in the case is presently in condition for allowance.

### **II. Objection to Specification**

The abstract of the disclosure was objected to because the abstract included the word "comprises" at line 1. Applicants respectfully traverse this objection.

In section 608.01(b) of the MPEP, the Guidelines for The Preparation of Patent Abstracts specifies that "form and legal phraseology often used in patent claims, such as 'means' and 'said,' should be avoided. The abstract should sufficiently describe the disclosure to assist readers in deciding whether there is a need for consulting the full patent text for details." Accordingly, Applicants believe that the word "comprises" is not the type of "form and legal phraseology" that is being targeted by this rule, since the word "comprises" is used in Applicants' abstract to assist readers in deciding whether there is need for consulting the full patent text for details," as required by the rule. Therefore, Applicants respectfully submit that the Abstract, as presently stated, satisfies the rule specified in section 608.01(b) of the MPEP. Accordingly, Applicants respectfully submit that the objection to the specification should be withdrawn.

### **III. Claim Rejections - 35 U.S.C. § 103(a)**

#### **A. Rejection of Claims 28-30 and 34**

Claims 28-30 and 34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mrvos* (U.S. 6,409,312) in view of *Miyashita* (U.S. 5,502,470). Applicants respectfully traverse this rejection.

Regarding claims 28-30 and 34, Applicants submit that neither *Mrvos* nor *Miyashita* teach or suggest “a top coat layer defining a countersunk bore corresponding to an opening of the nozzle from which fluid is ejected,” as recited in independent claim 28, and “a top coat layer defining a countersunk bore associated with an opening of the nozzle from which fluid is ejected,” as recited in independent claim 34. Specifically, *Miyashita* fails to teach a top coat layer defining a countersunk corresponding to an opening of the nozzle from which fluid is ejected. See Fig. 5(d). Notably, *Mrvos* similarly fails to teach such a feature. Accordingly, claims 28-30 and 34 are allowable over the proposed combination of *Mrvos* in view of *Miyashita* for at least that reason.

#### **B. Rejection of Claims 35-37 and 44-45**

Claims 35-37 and 44-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mrvos* in view of *Miyashita* in further view of *Radke* (U.S. 6,054,011). Applicants respectfully traverse this rejection.


Applicants submit that neither *Mrvos*, *Miyashita*, nor *Radke* teaches or suggests a top coat layer defining a countersunk bore corresponding to or associated with to an opening of the nozzle from which fluid is ejected, as recited in independent claims 28 and 34. Specifically, *Miyashita* fails to define a countersunk bore that corresponds to an opening of the nozzle from which fluid is ejected. See Fig. 5(d). Notably, *Mrvos* and

*Radke* similarly teach no such feature. Thus, claims 35-37 and 44-45 (which depend from respective independent claims 28 and 34) are allowable over the proposed combination of *Mrvos* in view of *Miyashita* in view of *Radke* for at least this reason.

### **CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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